

## ZONING AND BUILDING AGENDA

APRIL 9, 2002

### ZONING BOARD OF APPEALS RECOMMENDATIONS

242535      DOCKET # 7131 - MONTALBANO BUILDERS, INC., Owner, as Contract Purchaser from Walter and Maureen Zuschlag, 2208 Midwest Road, Oak Brook, Illinois, Application (No. A-21-04; Z01040). Submitted by Schain, Barney, Ross & Citron, Ltd., 222 North LaSalle Street, Suite 1910, Chicago, Illinois 60601. Seeking a MAP AMENDMENT from the R-3 Single Family Residence District to the R-5 Single Residence District, R-7 General Residence District and the C-4 General Commercial District for a Planned Unit Development (if granted under companion SU-21-10) in Section 35 of Lemont Township. Property consists of approximately 68 acres located at the north side of 131st Street approximately 1,320 feet west of Bell Road in Lemont Township. Intended use: Residential and commercial uses. **RECOMMENDATION: That application be approved.**

242536      DOCKET #7132 - MONTALBANO BUILDERS, INC., Owner, as Contract Purchaser from Walter and Maureen Zuschlag, 2208 Midwest Road, Oak Brook, Illinois, Application (No. SU-21-10; Z01041). Submitted by Schain, Barney, Ross & Citron, Ltd., 222 North LaSalle Street, Suite 1910, Chicago, Illinois 60601. Seeking a SPECIAL USE in the R-5 Single Family Residence District, R-7 General Residence District, and C-4 General Commercial District (if granted under companion A-21-04) for a Preliminary Planned Unit Development of 124 single family homes, 78 townhome units, and 3.4 acres of commercial use in Section 35 of Lemont Township. Property consists of approximately 68 acres located on the north side of 131st Street approximately 1,320 feet west of Bell Road in Lemont Township. Intended use: 124 Single Family Homes, 78 Townhome Units and 3.4 acres of commercial use. **RECOMMENDATION: That application be approved.**

**The above applications Dockets #7131 and #7132 have received objections from the Village of Lemont and Homer Glen. Orland Park and Palos Park sent letters.**

**The above docket nos. #7131 and #7132 applications were deferred at the meetings of November 6, 2001, December 4, 2001, January 8, 2002, January 24, 2002, February 21, 2002, March 21, 2002 and April 9, 2002.**

242537      DOCKET #7133 - MICHAEL JACOBSEN, Owner, 135 East Lake-Cook Road, Palatine, Illinois 60074, Application (No. SU-21-11; Z01042). Submitted by same. Seeking a SPECIAL USE, UNIQUE USE in the C-8 Intensive Commercial District to preserve existing uses in existing structures for seven (7) years, specifically enumerated as follows: two (2) caretaker's residences; one (1) night watchman's residence; contractor's offices and yards (including storage of tools, equipment and materials); boarding kennel, residential trailer; office trailer; outdoor parking of equipment and vehicles; nursery and other landscaping material storage; and raw material storage in Section 2 and 3 of Palatine Township. Property consists of approximately 6.276 acres located on the south side of Lake-Cook Road approximately 1,370 feet west of Rand Road in Palatine Township. Intended use: Unique use to preserve existing uses in existing structures for seven (7) years.

**Please be advised that the subject application has been withdrawn by the applicant.**

243645      DOCKET #7151 - VICTOR MOORE AND ERIC MOORE, Owners, 1869 Techny Road, Northbrook, Illinois 60062, Application (No. SU-21-14; Z01060). Submitted by Michael D. Downing, 1275 North Milwaukee Avenue, Suite 300, Glenview, Illinois 60025. Seeking a SPECIAL USE in the R-6 General Residence District (if granted under companion MA-21-05) for a Planned Unit Development as amended for sixty-six (66) ~~seventy-four (74)~~ townhomes in Section 29 of Northfield Township. Property consists of ±10 acres; located on the west side of Landwehr Road approximately 547.43 feet north of West Lake Avenue in Northfield Township. Intended use: Planned Unit Development as amended for sixty-six (66) ~~seventy-four (74)~~ townhomes. **RECOMMENDATION: That application be approved.**

243646      DOCKET #7150 - VICTOR MOORE AND ERIC MOORE, Owners, 1869 Techny Road, Northbrook, Illinois 60062, Application (No. MA-21-05; Z01059). Submitted by Michael D. Downing, 1275 North Milwaukee Avenue, Suite 300, Glenview, Illinois 60025. Seeking a MAP AMENDMENT in the R-3 Single Family Residence District to the R-6 General Residence District for a Planned Unit Development (if granted under companion SU-21-14) as amended for sixty-six (66) ~~seventy-four (74)~~ townhomes in Section 29 of Northfield Township. Property consists of ±10 acres located on the west side of Landwehr Road approximately 547.43 feet north of West Lake Avenue in

Northfield Township. Intended use: Planned Unit Development as amended for sixty-six (66) ~~seventy-four (74)~~ townhomes.

**RECOMMENDATIONS:** Based upon the foregoing findings, the Zoning Board of Appeals hereby recommends to the Board of County Commissioners that application docket number 7150 be granted for a map amendment to rezone the subject property, commonly known as 1850 and 3520 Landwehr Road, from the R-3 Single Family Residence District to the R-6 General Residence District; and, that companion application docket number 7151 be granted for the location and establishment upon the subject property of the proposed Linden Tree Residential Planned Unit Development as a special use, for the development of 66 units, as amended, subject to regulation by Section 9.4 of the Cook County Zoning Ordinance.

A petition in opposition signed by approximately six-hundred (600) residents of Glenview and Northfield Township protesting the proposed map amendment and special use was received by the Zoning Board of Appeals. The Village of Glenview filed a resolution of objection.

The above dockets #7151 and #7150 applications were deferred at the meeting of December 18, 2001, January 24, 2002 and March 7, 2002.

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246434 DOCKET #7204 - BRUCE G. AND JANE E. KOE, as Co-Trustees of the Emil J. Koe Marital Trust "A" (under 82.72 % Interest) & Emil J. Koe Family Trust "B" (under 17.28% Interest), c/o Jan Koe, 2400 East Oakton Street, Arlington Heights, Illinois 60005, Application (No. SU-21-19; Z01112). Submitted by Ronald B. Grais, 180 North LaSalle Street, Suite 2700, Chicago, Illinois 60601. Seeking a SPECIAL USE, UNIQUE USE in the I-1 Restricted Industrial District for a package liquor store in existing building in Section 23 of Elk Grove Village Township. Property consists of approximately 1.95 acres or less located at 2400 East Oakton Street, Arlington Heights, Illinois 60005, northeast corner of Oakton Street and Badger Road. Intended use: Existing retail store will be used for sale of package liquors. **RECOMMENDATION: That application be approved.**

The above application was deferred at the meeting of March 7, 2002.

#### **VARIATION**

251005 CHERYL BRAUN, Owner, Application: Variation to reduce front yard setback from required 30 feet to 20 feet (existing); reduce corner side yard setback from required 15 feet to 13.10 feet; and on accessory structure: reduce corner side yard setback from required 15 feet to 0 feet (existing) for restoration due to fire on single family residence in R-5 Single Family Residence District. The subject property consists of approximately 0.31 of an acre, located on southwest corner of 117th Street and Avers Avenue in Worth Township. **RECOMMENDATION: That variation application be granted.**

#### **OLD BUSINESS**

206493 COOK COUNTY ZONING ORDINANCE (PROPOSED ORDINANCE AMENDMENTS).

Submitting a Proposed Ordinance sponsored by Herbert T. Schumann, Jr., County Commissioner:

The following is a synopsis of the Proposed Ordinance:

#### **PROPOSED ORDINANCE**

WHEREAS, the Cook County Board of Commissioners desires to bring the regulation of off-premises advertising signs (billboards) into conformity with the provisions for such signs in the other zoning districts;

- Section 1. Amending Section 6.13-4 of the Zoning Ordinance;
- Section 2. Amending Section 6.14-3 of the Zoning Ordinance;
- Section 3. Amending Section 6.16-8 of the Zoning Ordinance;
- Section 4. Amending Section 6.23-4 of the Zoning Ordinance;
- Section 5. Amending Section 6.24-4 of the Zoning Ordinance;

Section 6. Amending Section 6.26-5 of the Zoning Ordinance;  
Section 7. Amending Section 6.33-4 of the Zoning Ordinance;  
Section 8. Amending Section 6.34-3 of the Zoning Ordinance;  
Section 9. Amending Section 6.43-4 of the Zoning Ordinance;  
Section 10. Amending Section 6.44 of the Zoning Ordinance;  
Section 11. This amendatory Ordinance shall be effective upon passage.

**\*The above item was Deferred on 7-31-1996, 8-6-1996, and 5-5-1998.**

225157

MORATORIUM ON NEW HEARINGS FOR THE VARIANCES FOR CELLULAR TOWERS TO BE LOCATED WITHIN RESIDENTIALLY ZONED DISTRICTS IN UNINCORPORATED COOK COUNTY (PROPOSED RESOLUTION).

Submitting a Proposed Resolution sponsored by Herbert T. Schumann and William R. Moran, County Commissioners.

The following is a synopsis of the Proposed Resolution:

PROPOSED RESOLUTION

Whereas, the regulation and zoning control of Cellular Radio Facilities, commonly referred to as Cellular Towers, in the unincorporated areas of Cook County was adopted in 1995; and

Whereas, the Ordinance allows for permits to be issued for Cellular Towers in residentially zoned districts where the height of the tower is limited to fifty feet, and, however, where a variance in height to exceed the limit is permissible if granted by the Cook County Zoning Board of Appeals; and

Whereas, the variances as to the height of these towers are not limited by the Ordinance; and

Whereas, one result of the granting of the height variances has been an increase in the number of applications for the location of Cellular Towers within residential districts throughout unincorporated Cook County; and

Whereas, residents throughout unincorporated Cook County have made various attempts to oppose the towers in their residential neighborhoods on the basis of the inappropriateness and incompatibility as commercial structures placed within residential areas, among other considerations; and

Whereas, the Zoning Board of Appeals has been placed in the untenable position of having to adjudicate these variances by having to weigh between the business purposes of the telecommunications industry and the peaceful well being of residential neighborhoods; and

Whereas, the ongoing issuance of building permits and/or zoning relief under the existing ordinance undermines the ability of Cook County to effectively regulate the proliferation of Cellular Towers within residentially zoned districts throughout the unincorporated areas of Cook County.

Now, therefore be it resolved as follows:

From the date of the adoption of this Resolution and until a complete review of the pertinent Article(s) and Section(s) of Building and Zoning Ordinances of Cook County has been completed, there shall be a moratorium on new hearings for the variances for Cellular Towers to be located within residentially zoned districts at the Cook County Zoning Board of Appeals.

The Commissioner of Building and Zoning shall take appropriate measures to inform the Zoning Administrator and the Zoning Board of Appeals of this moratorium.

If, upon the expiration of six months from the date of adoption of this moratorium, the review of the pertinent Articles and Sections of the Cook County Zoning Ordinance has not been concluded, the moratorium hereby imposed shall be reviewed and the County Board shall determine whether basis exists to extend the moratorium for a further period of time.

**\*The above item was Deferred on 1-20-1999 and 1-29-1999 As Amended for further review and recommendation from the State's Attorney's Office.**

237897      LEGISLATION REGARDING ANNEXATION AND THE FUTURE USE OF LAND  
LOCATED WITHIN COOK COUNTY (PROPOSED RESOLUTION).

Submitting a Proposed Resolution sponsored by William R. Moran, Cook County Commissioner:

WHEREAS, according to Illinois Statute (65 ILCS 5/7-1-47), when a municipality annexes an area of land the territory is automatically zoned as the highest restrictive zoning classification providing principally for residential use under the municipality's zoning ordinance; and

WHEREAS, this land can be rezoned when it is annexed by the municipality and is automatically changed if the municipality's zoning ordinance does not match the County's current zoning classification for the property; and

WHEREAS, the current process of zoning does not consider the best use of the land within the County as set by the County zoning classification; and

WHEREAS, the County puts forth a great deal of effort in order to set the zoning classifications for county land, however once this land is annexed by a municipality the County's zoning ordinance and classification is ignored; and

WHEREAS, the County zoning classification should be respected and considered by the annexing municipality in deciding the possible use of the land; and WHEREAS, at the very least notification should be provided to a County when a portion of that County's land is being annexed, and

NOW, THEREFORE BE IT RESOLVED, that the Cook County Board of Commissioners urges the Illinois General Assembly to review the current legislation regarding annexation and the future use of land located within Cook County taking special care to include the issues mentioned in this Resolution.

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be sent to The Honorable George H. Ryan, Governor and the honorable Members of the Illinois General Assembly.

**\*The above item was Deferred on 11/6/2001.**

\* The next regularly scheduled meeting is presently set for Tuesday, April 23, 2002.